

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

DARRYL NICKS,

Plaintiff, **DECLARATION OF
SERVICE OF SUMMONS
AND FIRST AMENDED
COMPLAINT ON
DEFENDANTS CITY OF
NEW YORK & HORN**

-against-

THE CITY OF NEW YORK; COMMISSIONER MARTIN
F. HORN; WARDEN JOHN DOE # 1, DEPUTY
WARDEN JOHN DOE # 2, SUPERVISOR
CORRECTIONS OFFICER JOHN DOES # 1-2; and
CORRECTIONS OFFICER JOHN DOES # 1-5; the
individual defendants sued individually and in their official
capacities,

07 CV 10596 (WHP) (THK)

Defendants.

-----X

I, MICHAEL OLIVER HUESTON, declare, pursuant to 28 U.S.C.
§ 1746, under penalty of perjury as follows:

1. I am not a party to this action, I am over 18 years of age, and I
reside in the State of New York. On December 3, 2007, at approximately 10:00 a.m., I
served the summons and first amended complaint in this matter on defendants CITY OF
NEW YORK and MARTIN F. HORN, by delivering a copy of same to DEPUTY UNIT
CHIEF JERRY BRADSHAW, a person of suitable age and discretion at defendants'
place of business, within the state, at LAW DEPARTMENT OF THE CITY OF NEW
YORK, 100 Church Street, New York, New York. This person is a Black male,
approximately 45 years old, and approximately 6' 0" tall.

2. On November 30, 2007, I mailed a copy of the summons and first
amended complaint post paid by first class mail properly addressed to the defendants at
the aforementioned address in an envelope marked personal and confidential and not
indicating that the communication was from an attorney or concerned an action against
the defendants and deposited said envelope in a post office official depository under
exclusive care of the United States Postal Service.

Dated: New York, New York
December 3, 2007

MICHAEL O. HUESTON (MH 0931)
350 Fifth Avenue, Suite 4810
New York, New York 10118